

REMARKS

The Notice of Non-Compliant Amendment, mailed on October 28, 2004, states that the Amendment filed on August 16, 2004, is considered non-compliant because the amendments to the specification and abstract were not presented on separate sheets.

Applicants note that the Amendment filed on August 16, 2004, was indeed compliant and should have been treated as such. 37 C.F.R. § 1.121(h) states: “Each section of an amendment document (e.g., amendment to the claims, amendment to the specification, replacement drawings, and remarks) must begin on a separate sheet.” Further, MPEP § 714 states:

The amendment papers should include... a section (must begin on a separate sheet) entitled “Amendments to the Specification” (if there are any amendments to the specification). This section should include all amendments to the specification including amendments to the abstract of the disclosure. (Emphasis Added.)

Therefore, Applicants submit that the Amendment filed on August 16, 2004, was indeed compliant. Nevertheless, in an effort to avoid further delays in prosecution, Applicants are re-submitting herewith those amendments to the specification and abstract, on separate sheets.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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